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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Brown et al.
Application No.:	10/800,572
Filed:	March 15, 2004
For:	Improved Longitudinally Flexible Expandable Stent
Examiner:	Not yet assigned
Group Art Unit:	3731

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2-6769-US05

**FACSIMILE TRANSMITTAL LETTER**  
**TO:** DATE: November 30, 2004  
**FACSIMILE NO.:** 703-872-9306 TIME: 2:35pm.  
**GROUP ART UNIT:** 3731  
**TOTAL NUMBER OF PAGES** (including cover letter): 10

Following please find a 4 page Supplemental Information Disclosure Statement; 1 page form listing cited references in addition to this 1 page Facsimile Transmittal Letter.

If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit Account No. 22-0350 for any required fees. To the extent that any petition is required to consider this communication, please treat this as such a petition.

Respectfully Submitted,

VIDAS, ARRETT &amp; STEINKRAUS, P.A.

By:

James M. Urzedowski  
Reg. No. 48,596

Date: November 30, 2004

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**Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on November 30, 2004.

Signature: Rebecca M. Painschab

Rebecca M. Painschab

NOV 30 2004

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean Skubitz
Application No.:	10/800572
Filed:	March 15, 2004
For:	Improved Longitudinally Flexible Expandable Stent
Group Art Unit:	3731

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2N-6769-US05

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed foreign patent and each listed publication other than U.S. patents and U.S. patent application publications is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. patents and U.S. published applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of unpublished U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

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*Supplemental Information Disclosure Statement*  
*Attorney Docket No. S63.2N-6769-US05*

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

X I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

       II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

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*Supplemental Information Disclosure Statement*  
*Attorney Docket No. S63.2N-6769-US05*

III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

*If paragraph II.1 or III is checked, also check one of the paragraphs below*

I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

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*Supplemental Information Disclosure Statement*  
Attorney Docket No. S63.2N-6769-US05

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By

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<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> <small>(Use several sheets if necessary)</small>		ATTY DOCKET NO.: S63.2N-6769-US05		APPLICATION NO.: 10/800572		
		APPLICANT: Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean Skubitz				
		FILING DATE: March 15, 2004		GROUP: 3731		
<b>REFERENCE DESIGNATION</b>			<b>U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS</b>			
EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
AA	6,042,597	3/28/00	Kveen et al.	606/198		
AB	6,261,319	7/17/01	Kveen et al.	623/1.15		
AC	6,488,703	12/3/02	Kveen et al.	623/1.15		
AD	6,520,987	2/18/03	Plante	623/1.16		
AE	6,540,777	4/1/03	Stenzel	623/1.16		
AF						
AG						
AH						
AI						
AJ						
AK						
AL						
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY			
BA						
BB						
BC						
BD						
BE						
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
<b>CA</b>  <b>CB</b>  <b>CC</b>						
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>				
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						1 of 1